



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 14, 1998

Mr. Jim Ewbank
Ewbank & Byrom, P.C.
Bank One Tower
221 West 6th Street, Suite 900
Austin, Texas 78701

OR98-0951

Dear Mr. Ewbank:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114177.

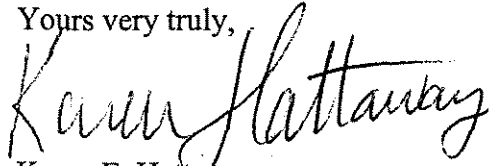
The Austin Housing Board (the "board"), which you represent, received a request for copies of all open and closed meetings of the board from November 1, 1997 to the present. You state that the board has provided the requestor with tapes of all of the open meetings of the board for the requested time period. You assert, however, that release of the tapes from the executive sessions of the board would violate state law.

Section 552.101 of the Government Code excepts from disclosure information deemed confidential by law. Section 551.103(a) of the Government Code provides in part that "[a] governmental body shall keep a certified agenda or *make a tape recording* of the proceedings of each closed meeting" (emphasis added). Section 551.103(d) provides that "[a] tape recording made under Subsection (a) must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time." Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying only under a court order issued under Subsection (b)(3)" (emphasis added). Thus, such information cannot be released to a member of the public in response to an open records request. See Open Records Decision No. 495 (1988). We therefore conclude that the board must withhold the requested information from public disclosure under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented

to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Karen Hattaway", written in a cursive style.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/MAP/ch

Ref.: ID# 114177

cc: Ms. Ann del Llano
602 West 7th Street
Austin, Texas 78701
(w/o enclosures)